

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WEBROOT INC. and OPEN TEXT, INC.,

Plaintiffs

v.

TREND MICRO INC.,

Defendant.

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NO. 6:22-cv-239-ADA-DTG

**JOINT NOTICE OF VOLUNTARY DISMISSAL OF CERTAIN OF PLAINTIFFS'
CLAIMS WITHOUT PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Court's Standing Order Governing Proceedings (OGP) 4.1 – Patent Cases (filed April 14, 2022), Plaintiffs Webroot, Inc. and Open Text, Inc. and Defendant Trend Micro Inc. hereby file this Joint Notice of Voluntarily Dismissal of Certain of Plaintiffs' Claims Without Prejudice, and respectfully show as follows:

Plaintiffs Webroot, Inc. and Open Text, Inc. hereby voluntarily dismiss, without prejudice, the following claims from their Complaint for Patent Infringement (ECF No. 1) pursuant to and in accordance with the procedure set forth in the Court's Standing OGP 4.1:

1. Claims for indirect infringement (e.g., claim for inducement and contributory infringement under 35 U.S.C. § 271(b)-(c)) to the extent those claims involve allegations of indirect infringement prior to the filing date of the Complaint for Patent Infringement; and

2. Claims for willful infringement to the extent those claims involve allegations of willful infringement prior to the filing date of the Complaint for Patent Infringement.

Plaintiffs Webroot, Inc. and Open Text, Inc. hereby maintain their claims of indirect and willful infringement to the extent those claims involve allegations of indirect and/or willful infringement arising after the filing date of the Complaint for Patent Infringement, and Defendant Trend Micro Inc. reserves its right to seek dismissal of such claims.

DATED: May 13, 2022

PAUL HASTINGS LLP

By: /s/ Yar R. Chaikovsky

Yar R. Chaikovsky, Bar No. 39625
yarchaikovsky@paulhastings.com
Philip Ou
philipou@paulhastings.com
Bruce Yen
bruceyen@paulhastings.com
Radhesh Devendran
radheshdevendran@paulhastings.com

1117 S. California Avenue
Palo Alto, California 94304-1106
Telephone: 1(650) 320-1800
Facsimile: 1(650) 320-1900

Attorneys for Defendant

Dated: May 13, 2022

Respectfully submitted,

MARK D. SIEGMUND
mark@swclaw.com
**STECKLER WAYNE
CHERRY & LOVE, PLLC**
8416 Old McGregor Rd.
Waco, Texas 76712
Telephone: (254) 651-3690
Telecopier: (254) 651-3689

STEVEN ROBERT SPRINKLE
ssprinkle@sprinklelaw.com
SPRINKLE IP LAW GROUP
1301 W. 25th Street, Suite 408
Austin, Texas 78705
Telephone: (512) 637-9221
Telecopier: (512) 371-9088

BRIAN J. EUTERMOSER
beutermoser@kslaw.com
BRITTON F. DAVIS
bfdavis@kslaw.com
KING & SPALDING LLP
1401 Lawrence Street, Suite 1900
Denver, Colorado 80202
Telephone: (720) 535-2300
Telecopier: (720) 535-2400

PATRICK M. LAFFERTY
plafferty@kslaw.com
CHRISTOPHER C. CAMPBELL
ccampbell@kslaw.com
KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 737-0500
Telecopier: (202) 626-3737

JEFFREY D. MILLS
jmills@kslaw.com
KING & SPALDING LLP
500 W. 2nd Street, Suite 1800
Austin, TX 78701
Telephone: (512) 457-2027
Telecopier: (202) 626-3737

Counsel for Webroot, Inc. and Open Text, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Yar R. Chaikovsky

Yar R. Chaikovsky